

Entered - 05-20-02 - sb
CL 02L0365 - ALEXIS HOLMES

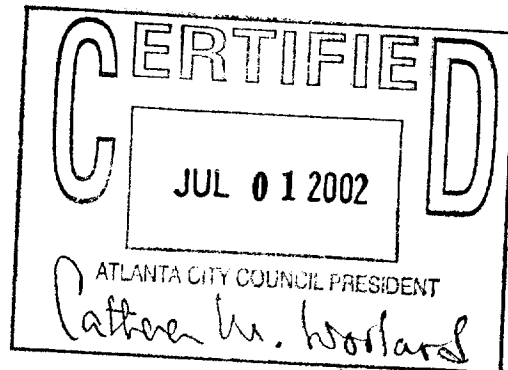
02-R-1097

CLAIM OF: **SALLY G. SMITHGALL**
2690 Habersham Road
Atlanta, Georgia 30305

For property damage as a result of a broken sewer pipeline on March
2002 at 2690 Habersham Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY



ADVERSE REPORT

COMM: P.S. + L.A.

DATE: JUN 25 2002

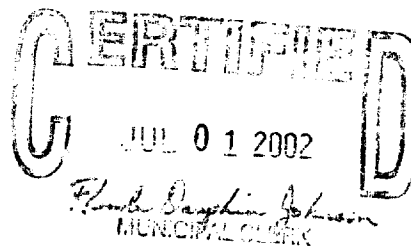
CHAIR: *Clara M. Wilson*

Natalie C. Smith

C. T. Martin

Hugh Smith

Carla Smith



ADVERSED BY
CITY COUNCIL JUL 01



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 15, 2002

Sally G. Smithgall
2690 Habersham Rd.
Atlanta, Georgia 30305

02-R-1097

Dear Ms. Smithgall:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 1, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0365

Date: 06/11/02

Claimant /Victim SALLY G. SMITHGALL

BY: (Atty) _____

Address: 2690 Habersham Road Atlanta, Georgia 30305

Subrogation: Claim for Property damage \$ 600.00 Bodily Injury \$ _____

Date of Notice: 05/17/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence March 2002 Place: 2690 Habersham Road

Department _____ Division: _____

Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant alleges that she sustained damage to her property when a sewer line backed up onto her property. The investigation determined that the Atlanta Gas Light Company bored through a City sewer pipeline causing it to backup into the claimant's property. The claim has been forwarded to the Atlanta Gas Light Company and the claimant has been advised to pursue her claim with the Atlanta Gas Company.

INVESTIGATION:

Statements: City employee _____ Claimant X Other _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

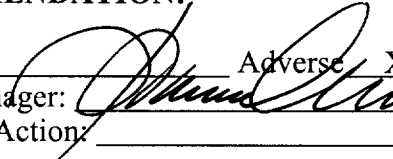
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  cur/date 06-12-02

Committee Action: _____ Council Action _____

RCS# 3841
7/01/02
1:58 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; Except 02-R-1121; 02-O-0853
02-O-0664
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0664
02-O-0853

CONSENT I

		07/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0718	34. 02-R-1074	39. 02-R-1076
2. 02-O-1021	35. 02-R-1075	40. 02-R-1077
3. 02-O-1022	36. 02-R-1124	41. 02-R-1078
4. 02-O-1119	37. 02-R-1125	42. 02-R-1079
5. 02-O-1142	38. 02-R-1126	43. 02-R-1080
6. 02-O-0602		44. 02-R-1081
7. 02-O-1013		45. 02-R-1082
8. 02-O-1148		46. 02-R-1083
9. 02-O-0864		47. 02-R-1084
10. 02-O-1017		48. 02-R-1085
11. 02-O-1020		49. 02-R-1086
12. 02-R-1143		50. 02-R-1087
13. 02-R-1104		51. 02-R-1088
14. 02-R-1120		52. 02-R-1089
15. 02-R-1121		53. 02-R-1090
16. 02-R-1122		54. 02-R-1091
17. 02-R-0470		55. 02-R-1092
18. 02-R-0810		56. 02-R-1093
19. 02-R-1182		57. 02-R-1094
20. 02-R-1118		58. 02-R-1095
21. 02-R-1146		59. 02-R-1096
22. 02-R-1177		60. 02-R-1097
23. 02-R-1179		61. 02-R-1098
24. 02-R-1101		62. 02-R-1099
25. 02-R-1102		63. 02-R-1127
26. 02-R-1103		64. 02-R-1128
27. 02-R-1145		65. 02-R-1129
28. 02-R-1134		66. 02-R-1130
29. 02-R-1135		67. 02-R-1131
30. 02-R-1136		68. 02-R-1132
31. 02-R-1176		69. 02-R-1133
32. 02-R-1072		
33. 02-R-1073		